IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE K.C. BHANU

-

WRIT PETITION NO : 5469 of 2005

Between:

1 Kalluri Venkateswara Rao S/o Uma Maheshwar Rao
R/o Gundepudi Julurupadu (M) Khammam District
2 Kalyanapu Ramaiah S/o China Basavaiah
R/o Gundepudi Julurupadu (M) Khammam District

..... PETITIONERS

AND

1 Special Deputy Collector (Tribal Welfare) Badrachalam
2 Parvathaneni Jayakumar S/o Ramachander Rao
H.No. 12-227, Near Police Quarters, brahmanapalli Street,

Wyra (Town& Mandal), Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent herein in entertaining the proceedings in LTR case No. 243/2004/JLP on the file of the 1st respondent herein as illegal, arbitrary, without jurisdiction and against the provisions of the A.P Scheduled Areas Land Transfer Regulation 1959 r/w Regulation 1 of 1970" and consequently direct the 1st respondent herein to drop the proceedings in LTR Case No. 243/2004/JLP and pass such other order or orders as this Hon'ble may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.T.BHEEMSEN & T.V.PRANAI KUMAR

Counsel for the Respondent Nos.1 & 2: GP FOR SOCIAL WELFARE

The Court made the following :

-

-

ORDER:

-

-

Challenging the notice issued by the Special Deputy Collector (Tribal Welfare), Badrachalam under Section 3 (1) of Regulation 1/59 & Amended Regulation 1/70, the present writ petition is filed.

The contention of the learned counsel for the petitioner is that as the issue is with regard to the non-tribals and the transactions in question relate prior to amendment of Regulation in question, the Special Deputy Collector has no jurisdiction to conduct any enquiry and therefore he cannot issue the notice impugned herein.

Since this is at the stage of notice, this aspect of the issue has to be raised before the concerned officer who issued the notice.

Therefore, without going into the merits of the case, the writ petition is disposed of with a direction to the petitioner to raise all his contentions before the Special Deputy Collector (Tribal Welfare) and the same shall be considered in accordance with law.

17-03-2005

rkk

Copy to:

1 Special Deputy Collector (Tribal Welfare) Badrachalam
2 Two CCS to the G.P for Social Welfare,

High Court Buildings, High Court of A.P.,

Hyderabad.

3 Two CD copies.